

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3948 of 2007

Dated: 15-03-2007

Between:

T.M. Ravi Prakash.

..... PETITIONER

AND

The State of Andhra Pradesh,
rep.by Chief Secretary, , Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3948 of 2007

ORDER:

The petitioner applied on 01.10.2003 to first respondent for mining lease over land to an extent of Acs.164.73 in survey Nos.406 to 425 situated at Gutupalli Village, Bethamcherla Mandal, Kurnool District. He alleges that he has not received any communication either granting lease or rejecting his application for lease. He, however, came to know from the staff members of first respondent that his application was rejected as withdrawn based on an application for withdrawal made by him. He asserts that he never approached first respondent seeking withdrawal and that some person might have impersonated him playing fraud for defeating his rights. Therefore, he filed instant writ petition seeking a direction to first respondent to consider his application for lease dated 01.10.2003.

After getting instructions, the learned Assistant Government Pleader for Mines and Geology submits that the petitioner's application is not pending before first respondent and the same has been rejected as withdrawn. This is seriously disputed by the learned counsel for the petitioner.

Even according to the petitioner, a third party submitted the application impersonating him (petitioner) as if the mining lease is being withdrawn. Therefore, he may approach first respondent requesting to conduct enquiry into the matter. He is also given liberty to file an appropriate affidavit before first respondent to that effect, in which event first respondent may direct appropriate enquiry into the matter. If it is found that so called application for withdrawal was not in fact made by the petitioner or any authorized representative of the petitioner, the Government may consider the application of the petitioner dated 01.10.2003, afresh, for grant of mining lease for iron ore.

The writ petition, with the above observations, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

15th March, 2007
ghn